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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,289	10/29/1999	KEITH R. D'ALESSIO	100497.02	7047

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P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

HON, SOW FUN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 08/20/2003

27

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/430,289

Applicant(s)

D'ALESSIO ET AL.

Examiner

Sow-Fun Hon

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 21-44, 51-55, 57 and 58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-20, 45-50, 56 and 59 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 26.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Rejections Repeated***

1. The 35 U.S.C. 103(a) rejections over Kvidtrud et al. as the primary reference have been repeated for the same reasons previously of record in Paper # 25 (mailed 02/26/03).

### ***Response to Arguments***

2. Applicant's arguments filed 05/20/03 have been fully considered but they are not persuasive.

3. Applicant argues that Kvidtrud et al. does not teach or suggest the use of halogenated or functionalized materials. Applicant is respectfully reminded that Fehn and Walles are the secondary references which compensate for failure of the primary reference Kvidtrud et al. to teach the halogenation or functionalization of the container material.

4. Applicant argues that Kvidtrud does not suggest that the container is suitable for use with a 1,1-disubstituted ethylene monomer composition such as cyanoacrylate composition as claimed since the disclosure is with reference to the prior art, not to the containers that are the focus of the Kvidtrud patent which is the design of containers which address problems in the prior art, namely that the containers do not allow certain wavelength radiation to enter the container since such radiation would tend to cure the photocurable composition.

Applicant is respectfully reminded that Applicant affirms that the containers address problems in the prior art, and thus it follows that Kvidtrud would not have specified cyanoacrylate adhesives as the only named chemicals for containment if they were not a material of interest, the unsatisfactory containment of which poses a problem. These adhesives are

photocurable via a free radical process, being ethylenically unsaturated as evidenced by Alger (Polymer Science Dictionary, 2<sup>nd</sup> edition, page 115).

5. Applicant argues that Fehn fails to overcome the deficiencies of Kvidtrud because the principles and experimental results provided by the Declaration in Paper # 24 (filed 12/09/02) against Colvin and Maeda, wherein the surface energy of the fluorinated surface of the container of Applicant was shown to be much higher than the surface energy of the container surface of Colvin, and that it applies to Fehn in that the process of Fehn does not provide a reduction in the moisture vapor transmission rate.

Applicant is respectfully reminded first of all that the declaration does not address Fehn. Secondly, Applicant is respectfully reminded that Fehn (US 5,693,283) is incorporated by reference in its entirety into Applicant's disclosure (page 17, lines 10-25) as being one of the techniques used by Applicant to halogenate the inner surface of Applicant's container. This leads to a potential lack of enablement issue.

Furthermore, Fehn is directed to the barrier of volatile organic compounds, both polar and nonpolar ('283, column 5, lines 60-70) which is ideal for the prevention of the escape of cyanoacrylates which are volatile polar organic compounds to the outside of the container, and for the prevention of contaminant migration into the contents of the container ('283, column 3, lines 30-40).

6. Applicant argues that in contrast to both Kvidtrud and Fehn, the claimed invention is directed to containers for increasing the shelf-life of contained 1,1-disubstituted ethylene monomer compositions such as cyanoacrylate adhesives. Applicant is respectfully apprised that Fehn does provide the advantage and hence the motivation to fluorinate the inner surface of the

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container of Kvidtrud, namely the prevention of the escape of volatile polar organic compounds to the outside of the container, and the prevention of contaminant migration into the contents of the container ('283, column 3, lines 30-40) which are components which contribute to the shelf-life of the contents.

7. Applicant argues that neither Kvidtrud nor Fehn address whether the combination would have any adverse impact of the fluorination surface treatment on the contained photocurable composition of Kvidtrud. Applicant thus affirms that since both Kvidtrud and Fehn are silent on any adverse impact of the fluorination treatment, the implication is that there is none.

8. Applicant argues that Kvidtrud is directed to protecting photocurable adhesives and Fehn is directed to avoiding contaminants in recycled materials.

Applicant is respectfully apprised that both Kvidtrud and Fehn are directed to the problem of the satisfactory containment of volatile polar organic compounds, wherein the compounds are kept pure and unchanged in chemical structure and amount, which can be translated into prolonged shelf-life. Kvidtrud and Fehn are thus analogous art.

9. Applicant argues that the Declaration has demonstrated that the post-halogenation treatment does not significantly alter the moisture vapor transmission rate through the container wall and that likewise the functionalization treatment has the same lack of effect.

Applicant is respectfully reminded that the Declaration does not address Walles, only Colvin and Maeda. Furthermore, Walles teaches that sulfonation of the surface of the container decreases the permeability of the container walls to organic vapors, thus preventing the migration of the volatile polar organic contents into the walls of the container and the migration of contaminants into the contents.

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10. Applicant argues that nowhere does Kvidtrud or Walles address how the SO<sub>3</sub> gas may affect the contained photocurable composition. Applicant is respectfully reminded that the final product is the sulfonated container surface, and that the silence with respect to any adverse effects of the sulfonated container surface on the contained photocurable composition implies that there is none.

11. Applicant argues that Kvidtrud and Walles are non-analogous art. Applicant is respectfully reminded that both Kvidtrud and Walles are directed to the effective containment of polar adhesives and are thus analogous art.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

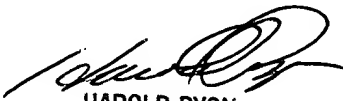
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Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

SH  
Sow-Fun Hon  
08/07/03

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772 08/07/03